



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 26, 1998

Mr. Kenneth R. Yarbrough  
Chief of Police  
Richardson Police Department  
P.O. Box 831078  
Richardson, Texas 75083-1078

OR98-0551

Dear Mr. Yarbrough:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112783.

The Richardson Police Department (the "department") and the Richardson Fire Department received a request for the police and fire reports concerning any and all records involving a particular individual at a specified address. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. . . .

A governmental body claiming section 552.108(a)(2) should demonstrate that the requested information relates to a criminal investigation that has come to some type of final result other than a conviction or deferred adjudication.<sup>1</sup> We conclude section 552.108(a)(2) is applicable to the records at issue, you may withhold the information from the requestor.

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<sup>1</sup>We note that you have included some newspaper clippings on what appears to be a totally non-related matter.

Section 552.108 provides that basic offense report information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense report, including a detailed description of the incident. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Although this information is generally found on the front page of an offense report, its location is not determinative and it must be released regardless of where it is located. To determine what information must be released, the type of information must be examined rather than where it is located. *See* Open Records Decision No. 127 (1976) at 5. We also note that the department has discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code. However, we note that the department has discretion to release all or part of the information at issue that is not otherwise made confidential by law. Gov't Code § 552.007

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', with a long horizontal line extending to the right.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref.: ID# 112783

Enclosure: Submitted document

cc: Ms. Carol Walker  
7212 Bucknell  
Dallas, Texas 75214  
(w/o enclosure)